

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**United States of America,**

Plaintiff

v

**Jose Santos Barajas-Ceja,**

Defendant.

**No. 1:22-cr-00013**

Hon. Paul L. Maloney

**JOINT MOTION FOR EXPEDITED SENTENCING  
AND BRIEF IN SUPPORT**

Defendant Jose Barajas-Ceja, through his counsel, Pavol Fabian, and the United States, by Assistant United States Attorney Donald Daniels, jointly ask this Court to sentence Mr. Barajas-Ceja immediately following his guilty plea. Consistent with this request, the parties also ask the Court to waive the presentence investigation report under Rule 32(c)(1)(A)(ii).

Here, Mr. Barajas-Ceja intends to plead guilty to illegal reentry in violation of 8 USC § 1326(a), as charged in the indictment. The following joint sentencing memorandum is being filed to assist the Court in fashioning an appropriate sentence.

**Offense:** Alien Re-Entry in violation of 8 USC § 1326(a)

**Date Offense Concluded:** September 21, 2021

**Statutory Minimum:** None

**Statutory Maximum:** 2 years and/or \$250,000 fine, 1 year of supervised release, \$100 special assessment

**Base Offense Level:** 8 (USSG § 2L1.2(a))

**Potential Adjustments:** -2 (Acceptance - USSG § 3E1.1(a))

**Total Offense Level:** 6

**Criminal History Points and Category:** 5 criminal history points, Category III

**Guideline Range:** 2-8 months

**Advisory Supervised Release Range:** 1 year (USSG § 5D1.2(a)(3))

**Restitution:** Not applicable

**Advisory Fine Range:** \$1,000-\$9,500 (USSG § 5E1.2(c)(3))

### **Offense Conduct**

Neither the facts nor the law are in dispute. On September 21, 2021, Mr. Barajas-Ceja, a Mexican citizen, was found in the United States (US): here in the Western District of Michigan, in its Southern Division. Admittedly, Mr. Barajas-Ceja had been removed from the US before this and returned without first obtaining the express consent of the Attorney General or the Secretary of Homeland Security to return or reapply for admission.

### **Criminal History**

Counsel is unaware of any juvenile criminal history. As an adult, however, Mr. Barajas-Ceja has the following misdemeanor convictions:

<b>Arrest Date</b>	<b>Conviction</b>	<b>Sentence Date</b>	<b>Sentence</b>	<b>Court</b>	<b>Criminal History Points</b>
04/19/2003	Possession of drug paraphernalia	06/25/2003	45 days in jail, 90 days probation	Wilson County District Court, North Carolina	0 (4A1.2(e)(3))
04/06/2010	Operating without a valid license	04/15/2010	Fines and costs	78th District Court, Newaygo County, Michigan	0 (4A1.2(c)(1))
10/12/2012	Operating while intoxicated	01/16/2013	2 days in jail	78th District Court, Newaygo County, Michigan	1 (4A1.1(c))

06/22/2015	Driving while intoxicated	10/04/2016	60 days in jail, 12 mos probation	Johnston County District Court, North Carolina	2 (4A1.1(b))
12/14/2015	Driving while intoxicated	12/23/2015	6 mos in jail with 5 mos and 25 days suspended, Supervised Probation	Bland County District Court, Virginia	1 (4A1.1(c))
02/28/2020	Operating while intoxicated with high blood alcohol content, Failure to Report Accident to Fixtures	06/21/2021	180 days in jail with 180 days suspended, 1 year probation	63rd District Court, Kent County, Michigan	1 (4A1.1(c); 4A1.2(a)(3))

Mr. Barajas-Ceja has a misdemeanor for operating while intoxicated with high blood alcohol content still pending in the 63rd District Court in Kent County, Michigan. This charge dates back to September 21, 2021.

### **Immigration History**

Mr. Barajas-Ceja has been removed from the United States twice before. His first removal occurred on February 12, 2013 from Laredo, Texas. The second occurred on January 27, 2016, from Brownsville, Texas.

### **Personal Background**

Mr. Barajas-Ceja was 9 years old when he came to the United States. His parents brought him over as the oldest of 6 brothers. Growing up, his mother worked a lot and, eventually, he too, being the oldest, had to drop out of school to help support the family. In all, he's spent the majority of his life, now over 30 years, in the United States.

Mr. Barajas-Ceja is the father to 3 children: a 20-year-old daughter, a 17-year-old son, and his youngest, an 8-year-old daughter. Both older children are fully aware of their father's situation and support his removal from the United States.

Following his sentencing and eventual removal, Mr. Barajas-Ceja intends to return and live with his grandmother in her home in Zamora, Michoacán, Mexico. At 83 years old, Mr. Barajas-Ceja knows she needs help and he can provide that for her. Her home has phone and internet access so continued communication with his children will not be any issue.

The personal background information was provided by the defendant and is not joined in by the United States.

### **Sentencing Guidelines**

The advisory sentencing guidelines in this case are between 2-8 months, reflecting a criminal category III and an adjusted offense level 6. Under USSG § 2L1.2, Mr. Barajas-Ceja's base offense level is 8 but, if the acceptance adjustment is granted under USSG § 3E1.1(a), this would be reduced by 2 levels. The criminal category III is based on 5 total criminal history points. The advisory fine range is \$1,000 to \$9500. And the advisory range for supervised release is 1 year.

### **Conclusion**

Mr. Barajas-Ceja believes the information in the record and this pleading will allow the Court to exercise its sentencing authority under 18 USC § 3553 meaningfully. What's more, waiving the presentence investigation report in this case will result in a savings in time, expense, and delay that accompanies its general preparation.

In sum, given the nature of Mr. Barajas-Ceja's offense, the applicable guideline range, and the mandatory removal to follow the sentence imposed, the parties jointly ask this Court to waive the presentence report requirement and sentence him immediately after the entry of his plea.

Respectfully submitted,

*s/ Pavol Fabian*

Dated: February 12, 2025

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Dated: February 12, 2025

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